



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

September 9, 2022

Via ECF

Hon. Nelson S. Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Doherty v. Bice, et al.*, 18 Civ. 10898 (NSR)(AEK)

Dear Judge Román:

This Office represents defendants Patricia Bice, Qui Qui Balascio, and Jared Stammer¹ (collectively, “Defendants”) in the above-captioned action. I write pursuant to Your Honor’s Individual Practices to respectfully request that the Court adjourn the deadline for Defendants to serve their reply brief in further support of their motion for judgment on the pleadings from September 15, 2022 to September 30, 2022. Plaintiff consents to the requested extension.

On May 31, 2022, Defendants requested a pre-motion conference in anticipation of moving for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). *See* ECF No. 78. On June 2, 2022, the Court entered a briefing schedule pursuant to which Defendants’ motion was due on August 1, 2022, Plaintiff’s opposition was due by August 31, 2022, and Defendants’ reply was due by September 15, 2022. *See* ECF No. 80 (the “Order”).

The requested extension is necessary for Defendants to draft their reply brief as the undersigned counsel for Defendants has several upcoming deadlines in other matters, including a deadline to file a reply brief in further support of a motion for summary judgment and multiple party depositions.

This is Defendants’ first request for an extension of the briefing schedule for their motion for judgment on the pleadings. The requested extension will not affect any other scheduled dates in this case.²

¹ Defendants Stammer and Balascio are no longer employed by SUNY and therefore they are not proper defendants. *See* Fed. R. Civ. P. 25(d).

² The Court stayed discovery pending the resolution of Defendants’ motion. *See* ECF No. 80.

Hon. Nelson S. Román

September 9, 2022

Page 2 of 2

Accordingly, for the reasons set forth herein, Defendants respectfully request that the Court adjourn the deadline for Defendants to serve their reply brief in further support of their motion for judgment on the pleadings from September 15, 2022 to September 30, 2022.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Shaina Schwartz

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cc: E. Chris Murray, Esq. (*via* ECF)